

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cherrity Honesty-Alexis Meranelli
(f/k/a Eric Sorenson),

Case No. 22-cv-946 (KMM/DTS)

Plaintiff,

**ORDER AND
REPORT AND RECOMMENDATION**

v.

State of Minnesota et al.,

Defendants.

IT IS HEREBY ORDERED:

1. The application to proceed *in forma pauperis* of Plaintiff Cherrity Honesty-Alexis Meranelli, Dkt. No. 2, is **GRANTED**.

2. The U.S. Marshals Service is directed to effect service of process on Defendants—in their official capacities with the State of Minnesota—consistent with Rule 4(j) of the Federal Rules of Civil Procedure.

Furthermore, this Court **RECOMMENDS** that:

1. The request for the temporary restraining order (TRO) in Meranelli's Verified Complaint, Dkt. No. 1 (Complaint), be **DENIED** without prejudice. See Compl. 26. As of today's date, there is no indication that Defendants have notice of Meranelli's action or TRO request. Under Federal Rule of Civil Procedure 65(b)(1), a court can issue a TRO without notice only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition," and the movant or movant's attorney "certifies in writing any efforts made to give notice and the reasons why it should not be required." The Complaint's TRO request does not meet either of these requirements.

2. The Complaint's request for a preliminary injunction, see Compl. 26, be **DENIED** without prejudice. Under Federal Rule of Civil Procedure 65(a)(1), a court "may issue a preliminary injunction only on notice to the adverse party." Again, as of today's date, there is no indication that Defendants have notice of the Complaint or its preliminary-injunction request.

Dated: April 20, 2022

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).